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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/663,832 | 09/15/2000 | Malcolm G. Smith SR. | 5578 413436/090 | 4031 |

7590

06/04/2003

Daniel Kehoe
President
980 University Avenue
Los Gatos, CA 95032

EXAMINER

HESS, DANIEL A

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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|--------------------------------|-------------|---|---------------------|
| APPLICATION NO/ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|--------------------------------|-------------|---|---------------------|

Daniel J. Meaney, Jr. Esq.
P.O. Box 22307
Santa Barbara, CA 93121

EXAMINER

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| ART UNIT | PAPER |
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DATE MAILED:

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Commissioner of Patents and Trademarks

The examiner of record, Daniel A. Hess, hereby corrects the record regarding case 09/663,832. On 12/31/2002, the Office sent an action including the following sentence in form PTO-1432:

"In a phone conversation on Monday, Dec. 23, applicant's representative, Mr. Dan Mahoney Jr indicated that the case has intentionally been allowed to go abandoned."

This sentence is erroneous in several regards. The notice of abandonment should instead read:

"Examiner Hess telephoned Mr. Meaney's office on December 23, 2002. The abandoned status of the case was confirmed."

Examiner Hess thanks the Mr. Meaney and his legal secretary, Ms. Sesma, for pointing out the errors. A fresh copy of PTO-1432 with the changes made is being furnished with this response.

THIEN M. LE
PRIMARY EXAMINER

cc: Daniel J. Meaney, Jr. Esq.
P.O. Box 22307
Santa Barbara CA 93121

Notice of Abandonment

Application No.

09/663,832

Examiner

Daniel A Hess

Applicant(s)

SMITH, MALCOLM G.

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 19 June 2002.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Examiner Hess telephoned Mr. Meaney's office on December 23, 2002. The abandoned status of the case was confirmed.



Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.